

ENTERED

May 16, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIAM HENRY KRIEG,
(TDCJ-CID #1366694)
Plaintiff,

vs.

DONALD RAY AVANT, *et al.*,
Defendants.

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CIVIL ACTION H-17-0774

MEMORANDUM ON DISMISSAL

The plaintiff, William Henry Krieg, has not responded to this Court's order entered January 29, 2018, which required him to submit within thirty days a more definite statement of the facts on which his complaint is based. (Docket Entry No. 24). The Court's order specifically provided that failure to comply as directed may result in the dismissal of this action for want of prosecution.

On April 5, 2018, this Court granted Krieg an extension until April 30, 2018, so that he could confer with retained counsel. However, there is no indication on the Court's docket sheet that an attorney has entered an appearance on behalf of Krieg. To date, Krieg has not complied by submitting a response to this Court's Order for More Definite Statement. (Docket Entry No. 24).

With regard to this Court's Order for More Definite Statement, the Court must have clear answers to each of its questions before it can evaluate the merits of Krieg's claims. Krieg's failure to comply with this Court's order forces this Court to conclude that he lacks due diligence. Under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*,

370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE § 41.51(3)(b) & (c) (3d ed. 2017). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on MAY 16 2018.

A handwritten signature in black ink, appearing to read 'AMB', is written over a horizontal line.

ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE